



## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA–HQ–OPP–2011–0374; FRL-9933-01-OMS]**

### **Notice of Objections to Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration; Notice of Public Hearing**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of objections and public hearing.

**SUMMARY:** The Environmental Protection Agency (EPA) has received objections and hearing requests in response to its issuance of a Notice of Intent to Suspend registration of a pesticide containing dimethyl tetrachloroterephthalate (DCPA). EPA will hold a public hearing to receive evidence related to the proposed suspension of DCPA.

**DATES:** A public hearing will be held beginning at 9 a.m. July 6, 2022 and continue as necessary through July 8, 2022.

**ADDRESSES:** The public hearing will take place in the EPA Administrative Courtroom, EPA East Building, Room 1152, 1201 Constitution Ave. NW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mary Angeles, Headquarters Hearing Clerk, Office of Administrative Law Judges, 1200 Pennsylvania Ave. NW, Mail Code 1900R, Washington, DC 20460; telephone number: (202) 564-6281; email address: [angeles.mary@epa.gov](mailto:angeles.mary@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this action apply to me?*

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution,

or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I get copies of this document and other related information?*

The regulatory docket for this action, identified by docket identification number EPA–HQ–OPP–2011–0374, is available electronically at <https://www.regulations.gov> or in hard copy at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

The adjudication docket for the proceeding in which petitioners have requested a public hearing, captioned in re FIFRA Section 3(c)(2)(B) Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration and identified by docket number FIFRA-HQ-2022-0002, is available electronically on the website of EPA’s Office of Administrative Law Judges at [https://yosemite.epa.gov/oarm/alj/alj\\_web\\_docket.nsf/Active+Dockets?OpenView](https://yosemite.epa.gov/oarm/alj/alj_web_docket.nsf/Active+Dockets?OpenView).

## **II. Public Hearing to be Held on Objections to EPA’s Notice of Intent to Suspend DCPA**

EPA previously published (87 FR 25262, April 28, 2022) a Notice of Intent to Suspend (NOITS) the registration of DCPA pursuant to its authority under Section 3(c)(2)(B)(iv) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(B)(iv). Section 3(c)(2)(B)(iv) of FIFRA provides that any person adversely affected by the NOITS may request a hearing on the proposed suspension within thirty days of the registrant receiving the notice. On May 24, 2022, the Western Plant Health Association filed an objection to the NOITS. On May 27, 2022, AMVAC Chemical Corporation, the DCPA registrant, filed an objection to the NOITS and requested a hearing. Also on May 27, 2022, the Grower-Shipper Association of

Central California, Sunheaven Farms, LLC, J&D Produce, Ratto Bros., Inc., and Huntington Farms jointly filed an objection to the NOITS and requested a hearing.

The hearing requests commenced a proceeding under Section 6(d) of FIFRA, 7 U.S.C. 136d(d), and EPA's procedural rules, 40 CFR 164, before EPA's Office of Administrative Law Judges. The proceeding includes a public hearing that will be held to receive evidence from the parties relevant and material to issues raised by petitioners objecting to the proposed suspension of DCPA. FIFRA section 3(c)(2)(B)(iv) specifically limits the scope of the hearing to two questions: (1) whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide for which additional data is required; and (2) whether the Administrator's determination with respect to the disposition of existing stocks is consistent with FIFRA.

As set forth in **DATES** and **ADDRESSES**, the hearing will begin at 9 a.m. July 6, 2022, and continue as necessary through July 8, 2022, in the EPA Administrative Courtroom, EPA East Building, Room 1152, 1201 Constitution Ave. NW, Washington, DC 20460. Anyone wishing to attend the hearing must notify Mary Angeles, Headquarters Hearing Clerk, Office of Administrative Law Judges, by email no later than July 1, 2022, at the email address listed under **FOR FURTHER INFORMATION CONTACT**. A notice of intent to attend the hearing shall include the individual's name, email address, telephone number, and any organization they represent. On the day of the hearing, attendees must present government-issued identification to enter EPA facilities, and they will be required to wear a mask and physically distance from others in the hearing room. Attendees may face further restrictions on entry based on the community level of COVID-19 at the time of the hearing.

*Authority:* 7 U.S.C. 136 *et seq.*; 40 CFR 164.

Dated: June 14, 2022.

**Susan Biro,**

*Chief Administrative Law Judge,*

*Office of Administrative Law Judges.*

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